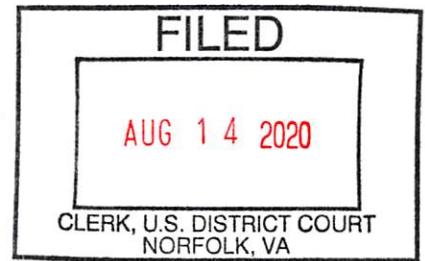


UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division



DAVID MEYERS, #1039777,
Petitioner,

v.

Action No. 2:19cv234

HAROLD CLARKE,
Director, VADOC,
Respondent.

FINAL ORDER

Petitioner David Meyers ("Meyers"), a Virginia inmate, has submitted a *pro se* petition pursuant to 28 U.S.C. § 2254. ECF No. 1. Meyers alleges his federal rights were violated when he was convicted in the Circuit Court for the City of Petersburg in 2012 and 2014 of contempt, robbery, malicious wounding, two counts of abduction, possession of a firearm, and four counts of use of a firearm in the commission of a felony. *Id.* at 1. As a result of these convictions, Meyers was sentenced to 30 years and 10 days in prison. *Id.*

The matter was referred to a United States Magistrate Judge pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C) and Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia for report and recommendation. The report and recommendation, filed June 15, 2020, recommends that respondent's motion to dismiss (ECF No. 45) be granted, and the petition for writ of habeas corpus (ECF No. 1) be denied and dismissed with prejudice. ECF No. 73. Each party was advised of the right to file written objections to the findings and recommendations made by the Magistrate Judge, and no objections have been filed.

The Court, having reviewed the record, does hereby adopt and approve the findings and recommendations set forth in the report and recommendation. The Court, therefore, **ORDERS**

that respondent's motion to dismiss, ECF No. 45, is **GRANTED**, and the petition for a writ of habeas corpus, ECF No. 1, is **DENIED** and **DISMISSED** with prejudice.

Meyers has failed to demonstrate a "substantial showing of the denial of a constitutional right," and, therefore, the Court declines to issue any certificate of appealability pursuant to Rule 22(b) of the Federal Rules of Appellate Procedure. *See Miller-El v. Cockrell*, 537 U.S. 322, 335-36 (2003).

Meyers is **ADVISED** that because a certificate of appealability is denied by this Court, he may seek a certificate from the United States Court of Appeals for the Fourth Circuit. Fed. R. App. P. 22(b); Rules Gov. § 2254 Cases in U.S. Dist. Cts. 11(a). **If Meyers intends to seek a certificate of appealability from the Fourth Circuit, he must do so within thirty (30) days from the date of this Final Order. Meyers may seek such a certificate by filing a written notice of appeal with the Clerk of the United States District Court, United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510.**

The Clerk shall mail a copy of this final order to Meyers and counsel of record for respondent.



Arenda L. Wright Allen
United States District Judge

Arenda L. Wright Allen
United States District Judge

Norfolk, Virginia
August 14, 2020